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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2010-4259

ALFREDO BARDOS DE VEYRA
5538 Cambria Drive
Eastvale, CA 91752

A C C U S A T I O N

Vocational Nurse License No. VN 248647

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs (Board).

2. On or about March 17, 2010, the Board issued Vocational Nurse License No. VN 248647 to Alfredo Bardos De Veyra (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2013, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 118, subdivision (b), provides, in pertinent part, that the suspension, expiration, surrender, cancellation of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1, the Board may renew an expired license at any time within four years after the expiration.

5. Section 490 provides, in pertinent part:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

"(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

"(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

6. Section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

7. Section 2878 provides, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

2 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
3 violating of, or conspiring to violate any provision or term of this chapter.

5 "(h) Impersonating another practitioner, misrepresenting professional credentials or
6 licensure status, or permitting another person to use his or her certificate or license.

8 "(j) The commission of any act involving dishonesty, when that action is related to the
9 duties and functions of the licensee."

11 "It is unlawful for any person or persons not licensed as provided in this chapter [the
12 Vocational Nursing Practice Act] to impersonate in any manner or pretend to be a licensed
13 vocational nurse, or to use the title 'Licensed Vocational Nurse,' the letters 'L.V.N.,' or any other
14 name, word or symbol in connection with or following his name so as to lead another or others to
15 believe that he is a licensed vocational nurse."

17 9. California Code of Regulations, title 16, section 2521, provides:

"For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed vocational nurse to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

26 "(c) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
27 violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2 of the
28 Business and Professions Code."

1 **COST RECOVERY**

2 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Substantially-Related Crime)**

8 11. Respondent is subject to disciplinary action under sections 490, and 2878, subdivision
9 (f), in conjunction with California Code of Regulations, title 16, section 2521, in that Respondent
10 was convicted of a crime that is substantially related to the qualifications, functions, and duties of
11 a vocational nurse as follows:

12 a. On or about May 10, 2011, after pleading *guilty*, Respondent was convicted of one
13 felony count of violating 18 U.S.C. section 1347 [health care fraud], in the criminal proceeding
14 entitled *United States of America v. Alfredo Bardos De Veyra* (U.S. District Ct. Los Angeles
15 County, 2009, No. CR-09-00609-GAF-5). The court placed Respondent on probation for a
16 period of 4 years, ordered him to participate in a 90 day home detention program, and fined him.
17 The circumstances surrounding the conviction are that on or before September 2005, Respondent
18 was employed by Medicare Plus Home Health Providers ("Medicare Plus"), Excel Plus Home
19 Health Services ("Excel Plus"), and/or Unicare Health Professional ("Unicare") to provide out-
20 patient licensed nursing services to Medi-Cal beneficiaries. While employed on September 1,
21 2005, October 5, 2005, and October 31, 2005, Respondent provided private duty nursing services
22 to several different patients and received compensation, despite the fact that he was not licensed
23 to do so, as required. If Medi-Cal had known that they were paying on claims for private duty
24 nursing services that had been provided by a non-licensed individual, they would not have paid
25 any of these claims. Respondent knew that Medicare Plus would seek reimbursement from Medi-
26 Cal by representing to them that he (Respondent) had performed these services as a Licensed
27 Vocational Nurse in regard to those patient visits. Respondent signed home-nursing route sheets
28 and nursing notes using another individual's name, knowing that the other individual was a

1 licensed vocational nurse. Respondent made visits and falsely led his patients to believe that they
2 were being treated by a licensed vocational nurse. In fact, he was not a licensed vocational nurse
3 and Medi-Cal was billed for his services as though he were so licensed.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Impersonating a Licensee or Permitting Others to Use License)**

6 12. Respondent is subject to disciplinary action under section 2878, subdivision (h), in
7 that Respondent was impersonating another practitioner, misrepresenting professional credentials
8 or licensure status, or permitting another person to use his or her certificate or license while he
9 was employed by Medicare Plus Home Health Providers ("Medicare Plus"), Excel Plus Home
10 Health Services ("Excel Plus"), and/or Unicare Health Professional ("Unicare"), in that on or
11 before September 2005, he provided out-patient licensed nursing services to Medi-Cal
12 beneficiaries while using another licensed vocational nurse's name. Complainant refers to, and by
13 this reference incorporates, the allegations set forth above in paragraph 11, subparagraph (a),
14 inclusive, as though set forth fully.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Unlicensed Practice/Using Title Without Licensure)**

17 13. Respondent is subject to disciplinary action under section 2885, in that Respondent
18 was impersonating and pretending to be a licensed vocational nurse, or using the title 'Licensed
19 Vocational Nurse,' the letters 'L.V.N.', or any other name, while he was employed by Medicare
20 Plus Home Health Providers ("Medicare Plus"), Excel Plus Home Health Services ("Excel Plus"),
21 and/or Unicare Health Professional ("Unicare"), in that on or before September, 2005, he
22 provided out-patient licensed nursing services to Medi-Cal beneficiaries while using another
23 licensed vocational nurse's name. Complainant refers to, and by this reference incorporates, the
24 allegations set forth above in paragraph 11, subparagraph (a), inclusive, as though set forth fully.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Acts Involving Dishonesty, Fraud, and Deceit)**

27 14. Respondent is subject to disciplinary action under section 2878, subdivision (j), in
28 that Respondent was convicted of a crime involving a dishonest, fraudulent, and deceitful act on

1 or about May 10, 2011. Complainant refers to, and by this reference incorporates, the allegations
2 set forth above in paragraphs 11 through 13, inclusive, as though set forth fully.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct / Violate Act)**


5 15. Respondent is subject to disciplinary action under sections 2878, subdivision (d), on
6 the grounds of unprofessional conduct, in that Respondent committed an act involving
7 unprofessional conduct, violating the Vocational Nursing Practice Act. Complainant refers to,
8 and by this reference incorporates, the allegations set forth above in paragraphs 11 through 14,
9 inclusive, as though set forth fully.

10 **PRAYER**

11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
12 and that following the hearing, the Board issue a decision:

- 13 1. Revoking or suspending Vocational Nurse License No. VN 248647, issued to Alfredo
14 Bardos De Veyra;
15 2. Ordering Alfredo Bardos De Veyra to pay the Board of the reasonable costs of the
16 investigation and enforcement of this case, pursuant to section 125.3; and
17 3. Taking such other and further action as deemed necessary and proper.

18
19 DATED: **NOV 13 2012**


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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